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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,497	07/31/2001	Haruo Togashi		4794
20999	7590	12/19/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL NEW YORK, NY 10151			DUNN, MISHAWN N	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	12/19/2006		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/890,497	TOGASHI ET AL.
	Examiner Mishawn N. Dunn	Art Unit 2621

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 30 May 2006 and 11/09/06  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 6-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 6-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. Therefore, the examiner withdraws the previous office action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneyama (US Pat. No. 5,701,386) in view of Yanagihara (EP 0712127).

4. Consider claim 6. Yoneyama teaches a recording apparatus for recording a digital video signal to a record medium (col. 3, lines 9-12; fig. 1), comprising: means for recording a compression encoded stream in the recording medium (col. 3, lines 21-23; fig. 1).

Yoneyama does not specifically teach a recording apparatus wherein at least part of the header is recorded to a system area in said recording medium, and wherein said separate system area is a separate area from a record area for the stream and

said system area is securely reproduced in a speed reproducing operation in which the recording medium is traveled at a higher speed than in a recording operation.

However, Yanagihara teaches a recording apparatus wherein at least part of the header is recorded to a system area in said recording medium (col. 8, lines 7-9; fig. 5), and wherein said separate system area is a separate area from a record area for the stream and said system area is securely reproduced in a speed reproducing operation in which the recording medium is traveled at a higher speed than in a recording operation (col. 9, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, to modify Yoneyama by utilizing recording medium in order to provide lower cost to the user with a system area that is almost securely reproduced in a high speed reproducing operation of which the recording medium is traveled at higher speed than a recording operation is formed as an area separated from a record area for the stream, and wherein at least part of the header is recorded to the system area in order to enhance the picture quality for fast playback.

5. Consider claim 7. Yoneyama discloses all the claimed limitations as stated above, except that all the frames of the digital video signal have been compressed by intraframe encoding.

However, Yanagihara teaches that all the frames of the digital video signal have been compressed by intraframe encoding (col. 8, lines 20-23). An artisan with ordinary skill in the art would readily recognize that before MPEG, a variety of JPEG methods

were used to create consecutive frames. JPEG does not use interframe coding between frames and is easy to edit, but not as highly compressed as MPEG.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoneyama and Shinohara by utilizing JPEG compression to intraframe encode the entire digital signal in order to provide enhanced quality.

6. Consider claim 8. Yoneyama teaches the compression encoding generates a stream having a hierarchical structure (col. 3, lines 21-40; fig. 2B), and information recorded to the system area is information contained in the header added for each frame (col. 3, lines 31-34; fig 2B).

7. Consider claim 9. Yoneyama teaches the compression encoding generates a stream having a hierarchical structure (col. 3, lines 21-40; fig. 2B), and wherein information recorded to the system area is information contained in the header of the highest hierarchical level (col. 3, lines 31-34; fig. 2B).

8. Consider claim 11. Yoneyama teaches a reproducing apparatus for reproducing a recording medium on which a compression encoded stream has been recorded and a header has been added to said stream (col. 4, lines 40-56; fig. 3), and the reproduced stream is decoded using information contained in the header reproduced from the system area (col. 42, lines 54-65).

Yoneyama does not specifically teach a reproducing apparatus wherein at least part of the header is recorded to a system area in said recording medium, and wherein said separate system area is a separate area from a record area for the stream and

said system area is securely reproduced in a speed reproducing operation in which the recording medium is traveled at a higher speed than in a recording operation.

However, Yanagihara teaches a recording apparatus wherein at least part of the header is recorded to a system area in said recording medium (col. 8, lines 7-9; fig. 5), and wherein said separate system area is a separate area from a record area for the stream and said system area is securely reproduced in a speed reproducing operation in which the recording medium is traveled at a higher speed than in a recording operation (col. 9, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, to modify Yoneyama by utilizing a tape record medium in order to provide lower cost to the user with a system area that is almost securely reproduced in a high speed reproducing operation of which the tape shaped record medium is traveled at higher speed than a recording operation is formed as an area separated from a record area for the stream, and wherein at least part of the header is recorded to the system area in order to enhance the picture quality for fast playback.

9. Consider claims 12 and 13. Yoneyama teaches that the reproduced stream is decoded corresponding to the created header (col. 42, lines 54-65).

Yoneyama does not teach that the header is created with information contained in the header reproduced from the system area added for each frame.

However, Yanagihara discloses that the header is created with information contained in the header reproduced from the system area added for each frame (col. 8, lines 7-9; fig. 5).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use, to create with information contained in the header reproduced from the system area added for each frame, in order to improve picture quality during variable speed reproduction.

10. Consider claim 14. Yoneyama teaches a stream having a hierarchical structure (col. 3, lines 21-40; fig. 2B), and wherein the information reproduced from the system area is information contained in the header of the highest hierarchical level (col. 3, lines 31-34; fig. 2B).

11. Consider claims 17 and 18. Yoneyama teaches all the claimed limitations as stated above, except a tape shaped recording medium.

However, Yanagihara discloses a tape shaped recording medium (col. 5, line 44).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use, to modify the recording apparatus of Yoneyama by utilizing a tape shaped recording medium in order to be more cost efficient.

12. Method claims 10, 15, 16 and 19 are rejected using similar reasoning as the corresponding apparatus claims above.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US Pat. No. 5,546,244
- b. US Pat. No. 5,627,935
- c. US Pat. No. 5,631,998

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn

December 10, 2006